

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Deacon Brook Circle, 150' S
of the c/l of Glen Granite Road
(411 Deacon Brook Circle)
4th Election District
3rd Councilmanic District
* OF BALTIMORE COUNTY
* Case No. 91-228-A
Peter E. Daley, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of February, 1991 that the Petition for Residential Variance to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.
- 3) Prior to the issuance of any permits, Petitioner shall submit to this office an internal floor plan of the existing house and the proposed addition which clearly depicts the layout of the subject dwelling and the proposed addition.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently or upon settlement will reside at

411 Deacon Brook Cr. Reisterstown, Md. 21136
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

FOUR ELDERLY INHABITANTS ARE NO LONGER ABLE TO LIVE BY THEMSELVES.
AND WILL BE MOVING IN WITH US SO WE CAN CARE FOR THEM.
WE NEED THE VARIANCE TO PUT AN ADDITION ON OUR HOUSE
SO THEY CAN LIVE WITH US.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Peter E. Daley
AFFIANT (Handwritten Signature)
PETER E. DALEY
AFFIANT (Printed Name)

Alexandra E. Daley
AFFIANT (Handwritten Signature)
ALEXANDRA E. DALEY
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of December, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Peter E. Daley + Alexandra E. Daley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the statements and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/9/90
DATE

My Commission Expires:

12/1/92

Beginning on the east side of Deacon Brook Circle, 50 feet wide, at the distance of 150 feet south of the centerline of Glen Granite Road.
Being Lot #2, Block C, Plat 1, of the subdivision of "Charley East".
Also known as #411 Deacon Brook Circle, containing .227 acre in the 4th Election District.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 1, 1991

Mr. & Mrs. Peter E. Daley
411 Deacon Brook Circle
Reisterstown, Maryland 21136

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Deacon Brook Circle, 150' S of the c/l of Glen Granite Road
(411 Deacon Brook Circle)
4th Election District - 3rd Councilmanic District
Peter E. Daley, et ux - Petitioners
Case No. 91-228-A

Dear Mr. & Mrs. Daley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 12-27-90
Posted for: Variance - Residential
Petitioner: Peter E. Daley et ux
Location of property: E/S of Deacon Brook Circle, 150' S of the c/l of Glen Granite Road, 411 Deacon Brook Circle
Location of Signs: W. front of 411 Deacon Brook Circle
Remarks: A.G. Post
Posted by: A.G. Post Date of return: Jan 4 - 91
Number of Signs: 4

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 9-001-6150
Number

Date: 12/27/90 Amount: 150.00
Description: POSTING OF VARIANCE PRICE: 40.00
Description: POSTING OF VARIANCE PRICE: 40.00
Description: POSTING OF VARIANCE PRICE: 40.00
Description: POSTING OF VARIANCE PRICE: 40.00

Please Make Checks Payable To: Baltimore County

Barrier Validation

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3 (208.3, R.10, 1963) To permit a 5 foot side yard setback in lieu

of the minimum 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:
(Indicate hardship or practical difficulty)

4 elderly in laws no longer able to live by themselves will be moving in with us so we can care for them. We need the variance to put an addition on our house so they can live with us.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
PETER E. DALEY DATE 12-27-90
ALEXANDRA E. DALEY DATE 12-27-90
Alexandra E. Daley DATE 12-27-90

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR ORDERED TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____ p.m.

est post 1/2/91
ORDER RECEIVED FOR FILING
Date 1/2/91
By Bob
ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 19, 1990

Mr. & Mrs. Peter E. Daley
411 Deacon Brook Circle
Reisterstown, MD 21131

RE: CASE NUMBER: 91-228-A
LOCATION: E/S Deacon Brook Circle, 150' S of centerline Glen Granite Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

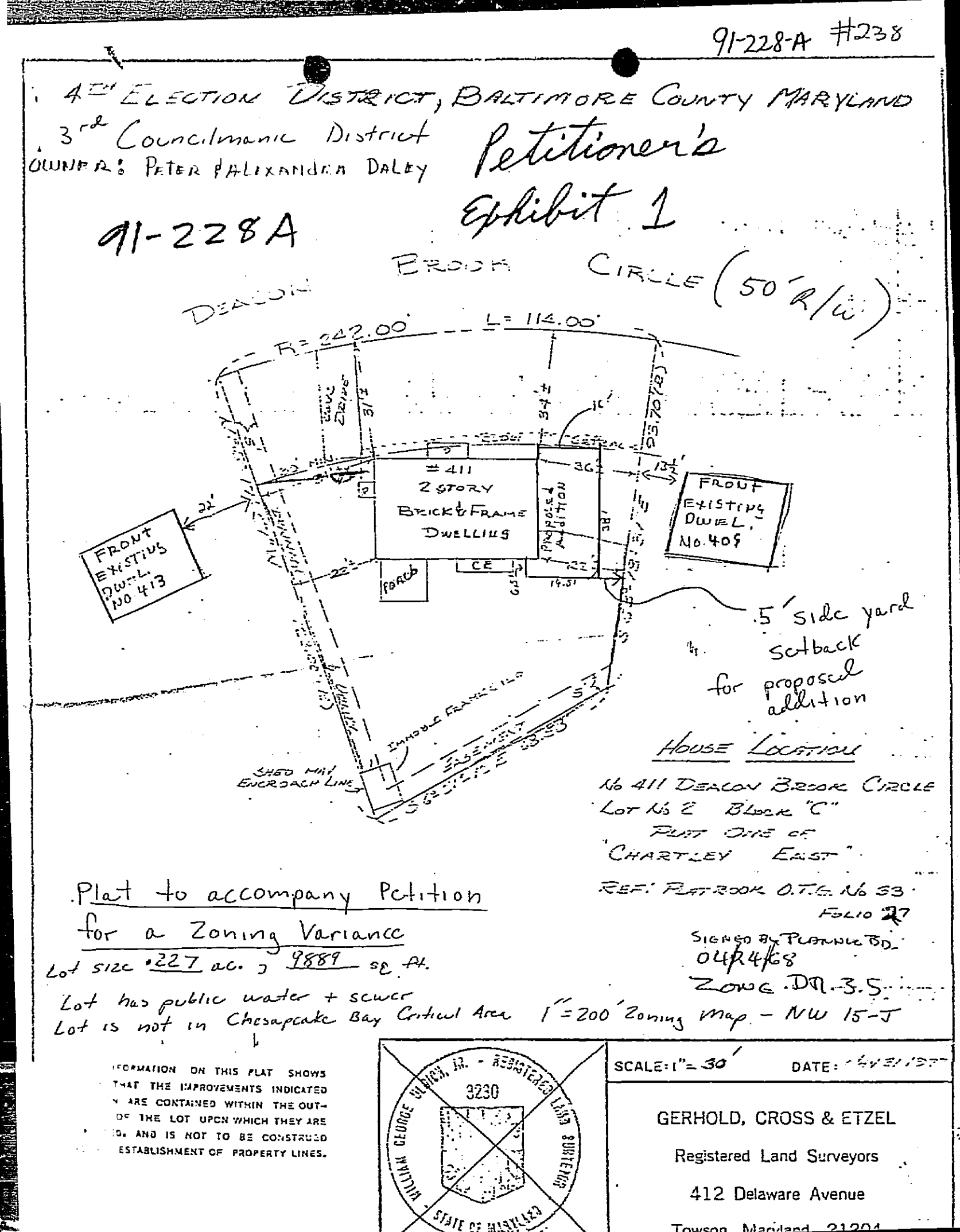
1) Your property will be posted on or before January 2, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is January 17, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

Carol M. Stephens
Carol M. Stephens
Docket Clerk



Picture taken
three days



4111 DEACON BROOK CIRCLE

1st FLOOR

13' 14' 10' to 10' Hall

DINING ROOM KITCHEN

Living Room 18' 15' 16' 17'

side door

2nd FLOOR

9' 13' 12' 11' 15' 16' 11'

Bedroom 12 Bedroom 11

Hall Bath

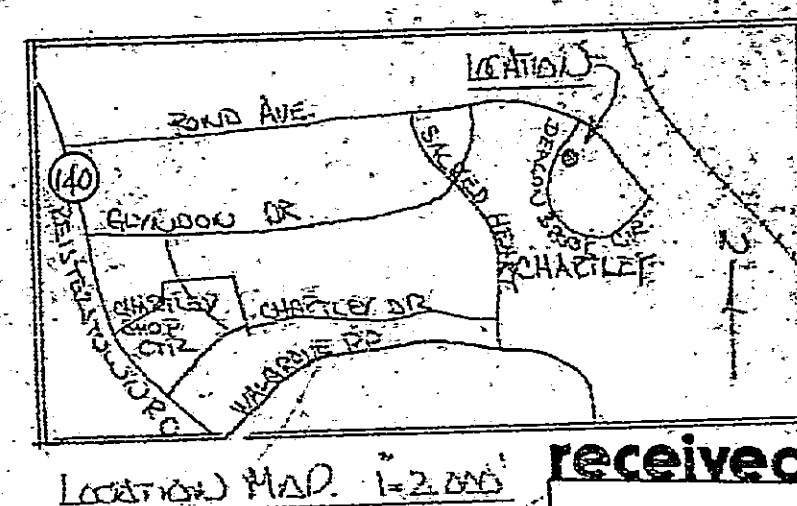
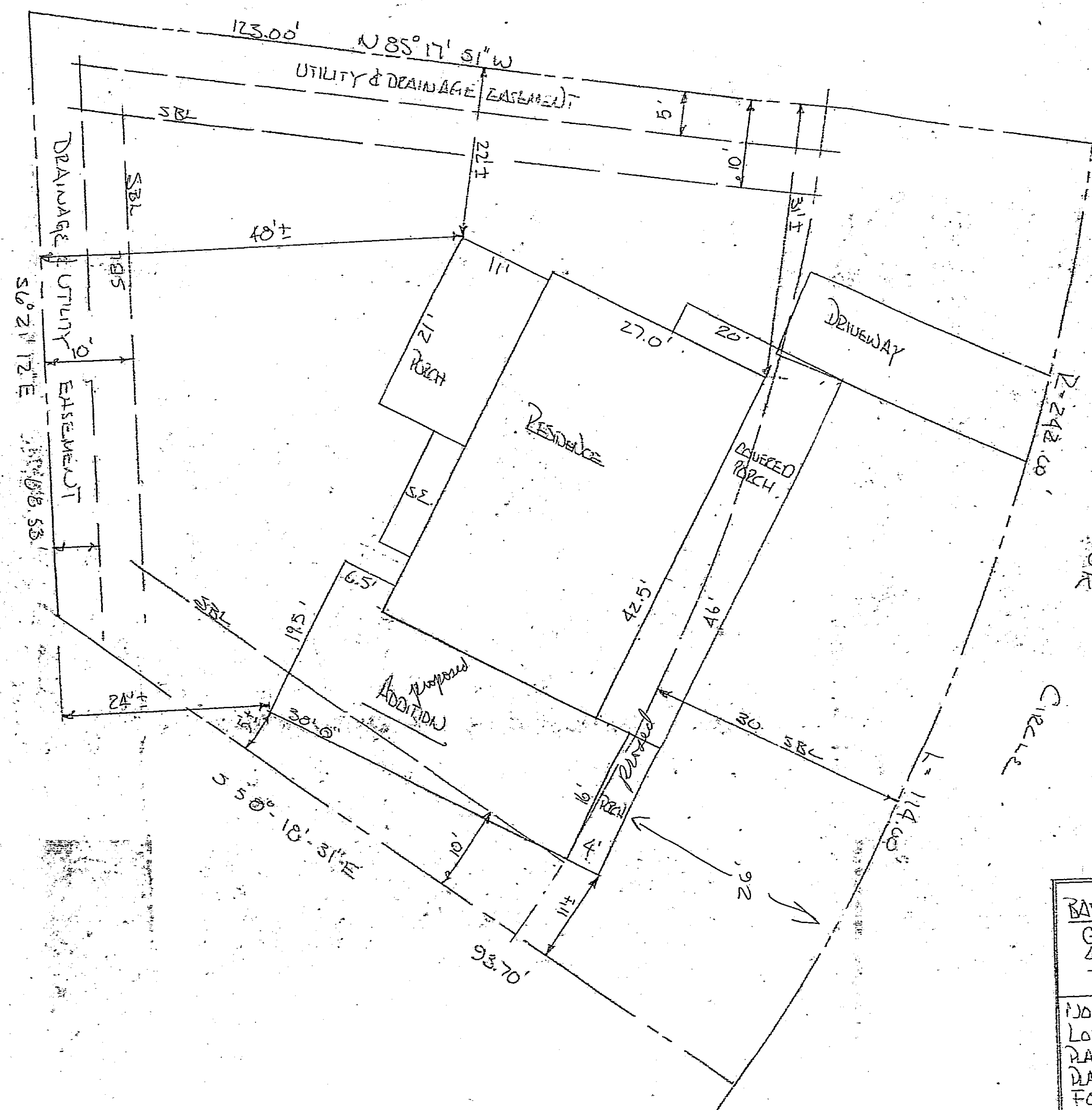
RECEIVED

5-17-61

Zoning

A R GRAPHICS
113 GOTHARD RD
LUTHERVILLE MD

Zoning 5 B091895
COPY NR
91-228A



BASED ON SURVEY BY:
GEEHOLD, CROSS & ETZEL DATED NOV 31, 1977
412 DEWARE AVE
TOWSON MD 21204
NO. 411 DEACON BROOK CIRCLE
LOT NO 2
PLAT NO 1 OF CHARLEY EAST
PLAT BOOK C.T. 6, NO 33
FOLIO 67
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

DALEY RESIDENCE
SCALE 1" = 10'
DATE 10-11-90
APPROVED BY
DRAWN BY VWC
REVIEWED
DRAWING NUMBER
P

SCALE 1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION REISTERSTOWN AREA DE LIGHT
SHEET NW 15-J

#238
91-228-A